

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

VIRTAMOVE, CORP.,

Plaintiff,

v.

HEWLETT PACKARD ENTERPRISE
COMPANY,

Defendant.

Case No. 2:24-cv-00093-JRG

(LEAD CASE)

JURY TRIAL DEMANDED

VIRTAMOVE, CORP.,

Plaintiff,

v.

INTERNATIONAL BUSINESS MACHINES
CORP.,

Defendant.

Case No. 2:24-cv-00064-JRG

(Member case)

JURY TRIAL DEMANDED

JOINT MOTION FOR SECOND AMENDED DOCKET CONTROL ORDER

Plaintiff VirtaMove, Corp. (“VirtaMove”) and Defendants Hewlett Packard Enterprise Company (“HPE”) and International Business Machines Corp. (“IBM”) (collectively, “the Parties”) jointly and respectfully request that the Court amend its First Docket Control Order (Dkt. No. 76) as reflected below in the Second Amended Docket Control attached hereto.

Original Deadline	New Deadline	Event
Friday, November 22, 2024	Tuesday, December 3, 2024	Comply with P.R. 4-1 (Exchange Proposed Claim Terms)
Monday, October 21, 2024	Wednesday, October 30, 2024	Defendants and Counter-Defendant Comply with P.R. 3-3 (Invalidity Contentions) & 3-4(b)(production of prior art and translations).

Counsel for HPE and IBM met and conferred with counsel for VirtaMove to discuss the extension of the deadline requested in this Motion. The Parties are jointly seeking the relief sought herein.

Accordingly, the Parties respectfully request that the Court grant this Joint Motion and enter the proposed order attached hereto.

Dated: October 18, 2024

By: /s/ Jennifer H. Doan

Jennifer H. Doan
Texas Bar No. 08809050
Joshua R. Thane
Texas Bar No. 24060713
HALTOM & DOAN
6500 Summerhill Road, Suite 100
Texarkana, TX 75503
Telephone: (903) 255-1000
Facsimile: (903) 255-0800
Email: jdoan@haltomdoan.com
Email: jthane@haltomdoan.com

Katharine Burke (Lead Attorney)
DC Bar Number: 985333
Katharine.burke@bakerbotts.com
BAKER BOTTS L.L.P.
700 K Street, N.W.
Washington, DC 20001-5692
Tel: (202) 639-7700
Fax: (202) 639-7890

Douglas M. Kubehl
Texas Bar No. 00796909
Doug.kubehl@bakerbotts.com
Morgan Mayne
Texas Bar No. 24084387
Morgan.mayne@bakerbotts.com
Emily Deer
Texas Bar No. 24116352
BAKER BOTTS L.L.P.
2001 Ross Avenue, Suite 900
Dallas, TX 75201-2980
Tel: (214) 953-6500

Fax: (214) 953-6503

David Lien (*pro hac vice*)
California Bar No. 313754
David.lien@bakerbotts.com
BAKER BOTTS L.L.P.
1001 Page Mill Road, Building One,
Suite 200
Palo Alto, CA 94304-1007
Tel: (650) 739-7563
Fax: (650) 739-7663

*Attorneys for Defendant Hewlett
Packard Enterprise Company*

By: /s/ Andrea Fair
Tom M. Friedman (*pro hac vice*)
KIRKLAND & ELLIS LLP
610 Lexington Avenue
New York, NY 1002
Telephone: (212) 446-4800
Facsimile: (212) 446-4900
Email: todd.friedman@kirkland.com

Brandon H. Brown
State Bar No. 266347
KIRKLAND & ELLIS LLP
555 California Street
San Francisco, CA 94104
Telephone: (415) 439-1400
Facsimile: (415) 439-1500
Email: brandon.brown@kirkland.com

Of Counsel:
Andrea L. Fair
Texas State Bar No. 24078488
MILLER FAIR HENRY PLLC
1507 Bill Owens Parkway
Longview, TX 75604
Telephone: (903) 757-6400
Facsimile: (903) 757-2323
Email: andrea@millerfairhenry.com

*Attorneys for Defendant International
Business Machines Corp.*

By: /s/ Reza Mirzaie

Reza Mirzaie (CA SBN 246953)
rmirzaie@raklaw.com
Marc A. Fenster (CA SBN 181067)
mfenster@raklaw.com
Neil A. Rubin (CA SBN 250761)
nrubin@raklaw.com
James A. Milkey (CA SBN 281283)
jmilkey@raklaw.com
Amy E. Hayden (CA SBN 287026)
ahayden@raklaw.com
Jacob Buczko (CA SBN 269408)
jbuczko@raklaw.com
James Tsuei (CA SBN 285530)
jtsuei@raklaw.com
Christian W. Conkle (CA SBN 306374)
cconkle@raklaw.com
Jonathan Ma (CA SBN 312773)
jma@raklaw.com
Daniel B. Kolko (CA SBN 341680)
dkolko@raklaw.com
RUSS AUGUST & KABAT
12424 Wilshire Boulevard, 12th Floor
Los Angeles, CA 90025
Telephone: (310) 826-7474

Qi (Peter) Tong (TX SBN 24119042)
RUSS AUGUST & KABAT
4925 Greenville Ave., Suite 200
Dallas, TX 75206
Telephone: (310) 826-7474

Attorneys for Plaintiff VirtaMove, Corp.

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that counsel for HPE and IBM met and conferred with counsel for VirtaMove to discuss the substantive issues addressed in this Motion pursuant to Local Rule CV-7(h). The Parties are jointly seeking the relief sought in this Motion.

By: /s/ Reza Mirzaie
Reza Mirzaie

CERTIFICATE OF SERVICE

I hereby certify that the foregoing is being served on all counsel of record who consent to electronic service on October 18, 2024.

By: /s/ Reza Mirzaie
Reza Mirzaie